Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	§	**FCC 99-122**
	§	
Numbering Resource Optimization	§	**CC Docket No. 99-200**
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COMMENTS OF THE TEXAS OFFICE OF PUBLIC UTILITY COUNSEL

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I. INTRODUCTION

The Texas Office of Public Utility Counsel (TOPC) represents residential and small business consumers in telephone proceedings before the Texas Public Utility Commission, the Federal Communications Commission (FCC) and in various state and federal courts. TOPC submits these comments in response to the Notice of Proposed Rulemaking on Numbering Resource Optimization. TOPC has also joined in the Joint Comment filed with NASUCA today.

II. COMMENTS

The current system for the allocation of numbering resources worked smoothly since its inception in 1947 until 1994, when about a fifth of the available area codes were in use. Since then, an explosion in area codes demand has quickly reduced the number of area codes available. In 1998, more than one-third of the available area codes were in

use[1]. The current North American Numbering Plan (NANP) has theoretically 46 telephone numbers per household or 23 telephone numbers per person over the age of 15. In spite of this huge pool of resources, without measures for number conservation, depletion of currently available resources will occur on or about 2007.[2] The cost to replace the current system is estimated by the FCC to be between 50 and 150 Billion dollars over a period of ten years.

The goal of the Telecommunications Act of 1996[3] is to promote competition at the local level and the proliferation of telecommunication options beyond landline services to create a healthy competitive environment. One of the consequences of the Act, together with state and federal regulation, is the acceleration in the use of numbering resources. TOPC recommends mechanisms to reduce the impact of these regulations and optimize the use of numbering resources.

The industry-based allocation method that assigns numbers to service providers introduces many inefficiencies in the use of this critical and finite resource. For example, area codes are currently assigned to service providers in blocks of 10,000 numbers without proof of need or efficient application. Current market structure creates strong incentives for service providers to hoard numbering resources. In fact, only about 50% of resources demanded are in use. According to the North American Number Plan Administrator (NANPA), current assignment of telephone numbers allocated to carriers

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[1] See Numbering Resource Optimization Notice of Proposed Rulemaking. Federal Communications Commission Docket FCC 99-122 at §21.
[2] North American Numbering Plan Exhaust Study. FCC 99-122 at fn 6.
[3] Pub. L. No. 104-104, 110 Stat. 56 (1996 Act). 47 U.S.C. §§151-714 as amended.

ranges from 5.7% to 52.6%.[4] The lack of verification and accountability in the use of numbering resources severely undermines conservation efforts.

To remedy this problem, TOPC suggests the Commission implement the verification guidelines proposed in the NPRM. While the Commission continues to rely on COCUS, it should strengthen the system by mandating regulatory oversight of responses to the survey, including the verification of the reasonableness of forecasts, allowing audits of the data supporting the responses, and conducting that audit twice a year to avoid data obsolescence.[5] Also, TOPC suggests the Commission narrow the category definitions of number usage to show that service providers have a clear idea of the intended use of requested number assignments.

As the representative of residential and small business ratepayers of Texas, TOPC is concerned that the FCC take into consideration the non-quantified costs to customers associated with number resource conservation measures when it considers new options. For example, customers will bear the costs associated with the replacement of phones, stationary, new directories, business cards, websites, etc. Also, service providers would likely pass through their costs to customers for providing notice about changes to the numbering system. In addition, costs to consumers include the inconvenience and wasted time associated with redialing a phone number with a new area code and loss of goodwill for businesses when customers are unable to reach a business that has changed its area

[4] North American Number Plan Administrator. Number Utilization Forecast and Trends. See FCC 99-122 at fn 25.

[5] Once stability in numbering utilization is reached, the frequency of the audit may then be reviewed to determine whether it should be reduced to relieve providers of regulatory burden.

code. These costs have become recurrent in nature and tend to occur every time a customer experiences an area code change under the existing number plan. And, to the extent that states are authorized to take up number conservation measures, TOPC urges the Commission to require the states to take these costs into consideration as well.

TOPC recommends that the Commission conduct its own feasibility study of the merits to expanding the usable area codes, which are currently restricted to only 680 area codes. For example, the Commission should consider the feasibility of selective expansion of the Central Office Code NXX to include the 0 and 1 in the D digit (the N in the NXX code).

TOPC supports the promotion of current novel technologies that use existing resources more efficiently. This includes lowering the cost of providing alternative, more advanced technologies that economize number resources. For example, DSL could provide phone, fax and Internet services with only one number. Expansion of DSL could greatly economize number resources. Also, the Commission should foster the development and adoption of CPE-technologies that automatically select a device that is the target of a call such as fax machines, wireless phones, pagers and Internet calls. Currently each device in the home has its own unique number, although they are intended to reach the same person, household, or business.

For example, as part of this technology, and as long as it allows control of Central Office signaling, routing could be done closer to the customer. Lets suppose, for

example, that a household has one wired line, one fax line, and one Internet line. All these lines could be consolidated into one number by adapting a device that routes the calls (e.g., press one for wired line, press two to send a fax, press three to connect to John Doe's internet computer, and so on). The implementation of this solution may require additional programming from the provider to redirect the call to the device specified, but would economize a significant amount of resources.

To avoid the inconvenience of the need to listen to all options, destinations could be standardized for the use of an additional number to the NXX-NXX-XXXX series to transform it to an NXX-NXX-XXXX-Y and the Y could be standardized as follows:

- NXX-NXX-XXXX-0: wired line (default). The default would not need the Y-digit.
- NXX-NXX-XXXX-1: fax line
- NXX-NXX-XXXX-2: internet
- NXX-NXX-XXXX-3 to NXX-NXX-XXXX-9: assignable to additional CPE-devices. The user could assign a default device depending on her convenience and use pattern.

The development of this technology such as this could dramatically decrease the number of resources consumed with the growing trend wherein businesses, families and individuals subscribe to various telecommunications services. Accordingly, the Commission should encourage manufacturers to adopt consistent CPE-standards that permit such routing to take place.

In response to the dramatic increase in the Number Plan Areas in use since 1994, the Commission should work with the states to optimize use of programs such as Thousand Number Blocks, Rate Center Consolidation and Unassigned Number Porting, that until recently have been conducted only on a limited basis. These issues could be more quickly addressed and resolved at the state level where state commissions have added flexibility to apply the rules to the particular situation in that state. State commissions can tailor number optimization programs to the particular competitive conditions existing in that state. State commissions are typically in a better position to facilitate the participation of affected parties and to judge evidence concerning local conditions.

TOPC suggests that, for the long term, and only when strong competition in local markets exists (and then only if the number exhaust problem persists), that the Commission consider using market-based mechanisms to allocate numbering resources.

In conclusion, TOPC stresses that many of its recommendations and the proposals in the NPRM are complementary and need not be implemented sequentially, enabling the Commission to attack the problem of number conservation simultaneously on several fronts. TOPC recommendations vary in their implementation horizon in that some can be implemented immediately while others require a long-term approach.

Date: July 30, 1999

Respectfully submitted,

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